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EXAMINER				
HYLINSKI, STEVEN J				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/756,429

**Applicant(s)**

SAFFARI ET AL.

**Examiner**

STEVEN J. HYLINSKI

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12, 14-18, 29-37 and 43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-18, 29-37 and 43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/888)
- Paper No(s)/Mail Date 12/20/2007.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. The applicant argues that he believes Lind teaches away from determining a total interim pattern amount because Lind's exemplary embodiment, as disclosed in paragraph 96, is to only award the player the amount corresponding to the highest prize, if more than one prize is won. A "teaching away" argument only applies when a piece of prior art specifically criticizes, discredits or discourages the solution claimed (See MPEP 2145.D.1). The very fact that Lind needs to specify that his preferred embodiment only awards the player one of plural possible prize amounts, indicates that an alternative option exists, which one of skill in the art would quickly recognize would involve awarding the player the sum of plural award amounts obtained. Because Lind does not criticize, discredit, or discourage one from awarding the player the sum of plural award amounts, Lind does not teach away from such a concept.
2. However, Applicant fails to address the examiner's actual basis of rejection of claim 4, (the limitations of which have now been incorporated into amended claim 1) The examiner's rejection of original claim 4 relied on Lind's disclosure, in Paragraphs 73 and 76, that the player is allowed to play more than one card at a time. Lind's awarding only awarding the highest one of a potential plural winning patterns applies to *each* of the plurality of cards the player can play simultaneously. It would follow that if the player wins at least one interim pattern on each of several simultaneously played cards, that the player would effectively be awarded the sum of the interim pattern wins. The previous grounds of rejection are thus maintained below. Furthermore, if it were

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necessary, modifying Lind's game to allow plural interim pattern wins for each card would be an obvious matter of design choice, and would not render the claims further patentable.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-5, 10-12, 14, 29-33, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2004/0152508 to Lind et al. (Lind).**

**Re Claims 1 and 43,**

A method for conducting a wagering game (Title and Abstract, bingo) and an associated progressive jackpot (Paragraph 98) and computer readable medium with executable code (Paragraph 28), wherein the wagering game is a multi-player wagering game wherein each player has a unique game array of game indicia for the occurrence of the wagering game (Abstract) and individual game indicia are sequentially selected from a range of available game indicia (Paragraph 84, bingo balls are randomly drawn, having numbers between 1 and 75), wherein one of the players wins the occurrence of the wagering game by matching a predetermined game winning pattern of game indicia on the player's unique game array with the sequentially selected game indicia

(Paragraphs 85-86), and wherein the outcome of the occurrence of the wagering game is a predetermined progressive jackpot winning outcome if a pattern on the player's unique game array formed by game indicia on the unique game array matching sequentially selected game indicia matches one of a plurality of predetermined progressive jackpot winning patterns (Paragraphs 86 and 96, matching predetermined patterns results in prizes being awarded to players, as is well-known in bingo, and Paragraph 98, a progressive jackpot prize can be incorporated into the game), the method comprising: receiving a deposit of an amount of a medium of currency by a player at a gaming unit (Paragraph 83, the player inserts a player card and chooses how much to wager, Paragraph 28, the player card contains a player account, also a separate device 309 can accept currency, vouchers, or tokens directly); receiving input for a player's wager on an occurrence of the wagering game at an input device of the gaming unit (Paragraphs 83 and 95, the player chooses the amount of his wager for the instance of the game) ; displaying the unique game array of game indicia for the player for the occurrence of the wagering game at a display device of the gaming unit (Paragraph 83; the player's bingo station displays a choice of cards, from which the player chooses a card he would like to use in the game) receiving the sequentially selected game indicia at the gaming unit (Paragraph 84, the player receives all drawn bingo numbers at his station, on the display, in the order they were called); comparing the sequentially selected game indicia to the game indicia of the unique game array (Paragraph 85, the player must compare the indicia on his card to the drawn balls, and daub accordingly); determining that the player has won an interim pattern award for the

occurrence of the wagering game if a pattern on the player's unique game array formed by game indicia on the player's unique game array matching sequentially selected indicia matches one of the plurality of the predetermined progressive jackpot winning patterns (Figs. 15-16 show examples of interim win patterns. Paragraph 86, The "bonus prize" patterns in the reference are describing what applicant terms an interim pattern, or a non-game-ending predetermined pattern that can be matched, and a prize therefore awarded, only before the game ending pattern is matched, and also usually only available for matching within a predetermined number of drawn numbers); determining an interim pattern award for each of the plurality of predetermined interim patterns matched by the player's unique game array, determining a total interim pattern award amount for the player corresponding to the sum of the individual interim pattern awards for the interim patterns matched on the player's unique game array (Paragraphs 73 and 76 disclose that the player can play several cards simultaneously, and that the multiple cards can be grouped and considered as one game, hence on game array, and that the results will be displayed simultaneously. Hence, the up to one interim pattern award from each card, if obtained, will be summed and provided to the player.) providing a sleep time period for the player to make a prize claiming input selection at the input device of the gaming unit to claim the corresponding interim pattern award amount (Paragraph 85, the sleep timer applies to any prize, which includes bonus or interim prizes, game-ending prizes, and progressive jackpot prizes, and Fig. 4 steps 407, 408, 410); and adding at least a portion of the total interim pattern award amount to the progressive jackpot pool if the player does not input at least one prize claiming input

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to claim at least one of the interim pattern awards within at least one of the sleep time periods (Paragraph 85. Recall that paragraphs 73 and 76 disclose that the player can play individual cards as part of the player's overall game. Hence it is possible for each card to have up to one interim win, each of which must be claimed by the player or else turned over.).

**Re Claim 10,**

A method for conducting a wagering game (Title and Abstract, bingo) and an associated progressive jackpot (Paragraph 98), wherein the wagering game is a multi-player wagering game wherein each player has a unique game array of game indicia for the occurrence of the wagering game (Abstract) and individual game indicia are sequentially selected from a range of available game indicia (Paragraph 84, bingo balls are randomly drawn, having numbers between 1 and 75), wherein one of the players wins the occurrence of the wagering game by matching a predetermined game winning pattern of game indicia on the player's unique game array with the sequentially selected game indicia (Paragraphs 85-86), and wherein the outcome of the occurrence of the wagering game is a predeterlined progressive jackpot winning if a pattern on the player's unique game array formed by game indicia on the unique game array matching sequentially selected game indicia matches one of a plurality of predetermined progressive jackpot winning patterns (Paragraphs 86 and 96, matching predetermined patterns results in prizes being awarded to players, as is well-known in bingo, and Paragraph 98, a progressive jackpot prize can be incorporated into the game), the method comprising: providing a currency-accepting mechanism (Paragraph 28, the

player card reader 308 and the currency input device 309 are both currency-accepting mechanisms) at a gaming unit for receiving a deposit of an amount of a medium of currency by a player at the gaming unit (Paragraph 83, the player inserts a player card and then chooses how much to wager); providing an input device (Fig. 3, touch screen 305 and player controls 304) for receiving input for a player's wager on an occurrence of the wagering game at an input device (Fig. 3, player card reader 308) of the gaming unit (Paragraphs 83 and 95, the player chooses the amount of his wager for the instance of the game) ; providing a display device (Fig. 3, display/touch screen 305) for displaying the unique game array of game indicia for the player for the occurrence of the wagering game at a display device of the gaming unit (Paragraph 83; the player's bingo station displays a choice of cards, from which the player chooses a card he would like to use in the game) configuring the gaming device (Fig. 3, the gaming device has a processor 300 attached to memory 301 and 302, also connected to a communications interface 303) to receive the sequentially selected game indicia to the game indicia of the unique game array (Paragraphs 84-85, the player receives all drawn bingo numbers at his station, on the display, in the order they were called, and compares them to his bingo card) ; configuring the gaming unit to compare the sequentially selected game indicia to the game indicia of the unique game array (Paragraph 86, a prize is awarded when the player has correctly daubed a predetermined winning pattern); configuring the gaming unit to determine that the player has won at least one interim pattern award for the occurrence of the wagering game if a pattern on the player's unique game array formed by game indicia on the unique game array matching sequentially selected indicia



matches one of the plurality of predetermined interim patterns (Figs. 15-16 show examples of interim win patterns. Paragraph 86, The “bonus prize” patterns in the reference are describing what applicant terms an interim pattern, or a non-game-ending predetermined pattern that can be matched, and a prize therefore awarded, only before the game ending pattern is matched, and also usually only available for matching within a predetermined number of drawn numbers); configuring the gaming unit to determine a total interim pattern award amount for the player corresponding to the sum of the individual interim pattern awards for the interim patterns matched on the player’s unique game array (Paragraphs 73 and 76 disclose that the player can play several cards simultaneously, and that the multiple cards can be grouped and considered as one game, hence on game array, and that the results will be displayed simultaneously. Hence, the up to one interim pattern award from each card, if obtained, will be summed and provided to the player.); configuring the gaming unit to provide a sleep time period for each one of the won interim pattern awards for the player to make a prize claiming input selection at the input device of the gaming unit to claim the interim pattern award amount (Paragraph 85, the sleep timer applies to any prize, which includes bonus or interim prizes, game-ending prizes, and progressive jackpot prizes, and Fig. 4 steps 407, 408, 410); and configuring the gaming unit to transmit a message to a progressive jackpot network computer to at least a portion of the total interim pattern award amount to the progressive jackpot pool if the player does not input at least one prize claiming input to claim at least one of the interim pattern awards within at least one of the sleep time periods (Paragraph 85. Recall that paragraphs 73 and 76 disclose that the player

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can play individual cards as part of the player's overall game. Hence it is possible for each card to have up to one interim win, each of which must be claimed by the player or else turned over.)

**Re Claim 29,**

A gaming unit (Fig. 3, Electronic Player Station 103) for conducting a wagering game (Title and Abstract, bingo) and an associated progressive jackpot (Paragraph 98) in a gaming network having a network computer and a plurality of gaming units (Fig. 1, Central Gaming Server 101 and a plurality of Electronic Player Stations 103), wherein the wagering game is a multi-player wagering game wherein each player has a unique game array of game indicia for the occurrence of the wagering game (Abstract) and individual game indicia are sequentially selected from a range of available game indicia (Paragraph 84, bingo balls are randomly drawn, having numbers between 1 and 75), wherein one of the players wins the occurrence of the wagering game by matching a predetermined game winning pattern of game indicia on the player's unique game array with the sequentially selected game indicia (Paragraphs 85-86), and wherein the outcome of the occurrence of the wagering game is a predetermined progressive jackpot winning if a pattern on the player's unique game array formed by game indicia on the unique game array matching sequentially selected game indicia matches one of a plurality of predetermined progressive jackpot winning patterns (Figs. 14-15 and Paragraphs 86 and 96, matching predetermined patterns results in prizes being awarded to players, as is well-known in bingo, and Paragraph 98, a progressive jackpot prize can be incorporated into the game), the gaming unit comprising: an input device

for inputting a plurality of input selections (Fig. 3, touch screen 305 and player controls 304); a display device (Fig. 3, display/touch screen 305); a gaming unit memory device (Fig. 3, 301 and 302); a currency-accepting mechanism (Paragraph 28, the player card reader 308 and the currency input device 309 are both currency-accepting mechanisms) that is capable of allowing a player to deposit a medium of currency (Paragraph 28), a value-dispensing mechanism that is capable of dispensing value to the player (Fig. 3, Value in/out 309, also see Paragraph 28); a gaming unit controller operatively coupled to the input device, the display device, the gaming unit memory device, the currency-accepting mechanism, and the value-dispensing mechanism, the gaming unit controller (Fig. 3, Processor 300) being programmed to allow the currency-accepting mechanism to accept a deposit of an amount of a medium of currency by a player at the gaming unit (Paragraph 83, the player inserts a player card), the gaming unit controller being programmed to allow the input device to receive input for a player's wager on an occurrence of the wagering game at the input device (Paragraph 83, the player inserts a player card and then chooses how much to wager), the gaming unit controller being programmed to cause the display device to display the unique game array of game indicia for the player for the occurrence of the wagering game at a display device of the gaming unit (Paragraph 83; the player's bingo station displays a choice of cards, from which the player chooses a card he would like to use in the game), the gaming unit controller being programmed to receive the sequentially selected game indicia at the gaming unit (Paragraphs 84-85, the player receives all drawn bingo numbers at his station, on the display, in the order they were called, and compares

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them to his bingo card), the gaming unit controller being programmed to compare the sequentially selected game indicia to the game indicia of the unique game array (Paragraph 86, a prize is awarded when the player has correctly daubed a predetermined winning pattern), the gaming unit controller being programmed to determine a total interim pattern award amount for the player corresponding to the sum of the individual interim pattern awards for the interim patterns matched on the player's unique game array (Paragraphs 73 and 76 disclose that the player can play several cards simultaneously, and that the multiple cards can be grouped and considered as one game, hence on game array, and that the results will be displayed simultaneously. Hence, the up to one interim pattern award from each card, if obtained, will be summed and provided to the player.), the gaming unit controller being programmed to provide a sleep time period for each one of the won interim pattern awards for the player to make a prize claiming input selection at the input device of the gaming unit to claim the interim pattern award amount (Paragraph 85, the sleep timer applies to any prize, which includes bonus or interim prizes, game-ending prizes, and progressive jackpot prizes, and Fig. 4 steps 407, 408, 410); the gaming unit controller being programmed to provide a sleep time period for each one of the won interim pattern awards for the player to make a prize claiming input selection at the input device of the gaming unit to claim the corresponding interim pattern award amount, the gaming controller being programmed to transmit a message to a progressive jackpot network computer to at least a portion of the total interim pattern award amount to the progressive jackpot pool if the player does not input at least one prize claiming input to claim at least one of the interim pattern

awards within at least one of the sleep time periods (Paragraph 85. Recall that paragraphs 73 and 76 disclose that the player can play individual cards as part of the player's overall game. Hence it is possible for each card to have up to one interim win, each of which must be claimed by the player or else turned over.)

**Re Claims 2, 11, and 30,**

A method and gaming unit for conducting a wagering game an an associated progressive jackpot, wherein the outcome of the occurrence of the wagering game is a predetermined progressive jackpot winning outcome (Paragraph 98) if the player matches the predetermined progressive jackpot winning outcome within a predetermined maximum number of sequentially selected game indicia (Paragraph 86, the only prize that is available after more than 30 numbers have been drawn is the guaranteed game-ending prize. Therefore the progressive jackpot prize, described in Paragraph 98 as being optionally included in the bingo game, would be available if it were reached in less than 30 draws, as consistent with the criteria of Paragraph 86).

**Re Claims 3, 12, and 31**

A method and gaming unit for conducting a wagering game and associated progressive jackpot, wherein the interim pattern award amount is a predetermined award amount corresponding to the interim pattern matched by the pattern on the player's unique game array (Paragraph 86, the bonus prizes that are specific non-game-ending patterns are interim pattern awards, as are very well-known in the art. Figs 15-16 show pay tables for all of the interim pattern awards).

**Re Claims 4, and 32**

See the rejection of amended claim 1 above. Lind further discloses adding the total interim pattern award amount to the progressive jackpot pool if the player does not input the prize claiming input within any one the sleep time period (Paragraph 85).

**Re Claims 5, 14, and 33**

See the rejection of claims 1, 4, and 32 above. Additionally, Lind discloses determining a total interim pattern amount for the player equal to the greatest of the interim pattern award amounts corresponding to the predetermined interim patterns determined to be matched on the player's unique game array (Paragraph 96).

**Allowable Subject Matter**

4. Claims 6-9, 15-18, and 34-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 6-9, 15-18, and 34-37 are allowable over the prior art of record, because the prior art neither anticipates nor renders obvious the following limitations: having first and second sleep timers, corresponding to different interim pattern awards, and storing the interim pattern award amount for either the first, second, or both, interim pattern awards, if the player meets the criteria of the sleep timer function, and calculating the progressive jackpot contribution, if the player fails to comply with the second sleep time period, equal to the second interim pattern award amount minus the first interim pattern award amount, when the second interim pattern award amount is greater than the first interim pattern award amount, and awarding the first interim pattern award amount to

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the player if the player does not input the prize claiming input within the second sleep time period.

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is included in the Notice of References Cited.
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **STEVEN J. HYLINSKI** whose telephone number is (571)270-1995. The examiner can normally be reached on M-Thurs. 7:00a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/  
Primary Examiner, Art Unit 3714

/Steven J Hylinski/  
Examiner, Art Unit 3714